

SENATE No. 1705

The Commonwealth of Massachusetts

PRESENTED BY:

Anthony D. Galluccio

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to establish a special commission to examine diversionary justice programs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Karen E. Spilka	Second Middlesex and Norfolk
Bruce E. Tarr	First Essex and Middlesex
Patricia D. Jehlen	Second Middlesex
James B. Eldridge	Middlesex and Worcester
Denise Provost	27th Middlesex
Richard J. Ross	9th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO ESTABLISH A SPECIAL COMMISSION TO EXAMINE DIVERSIONARY JUSTICE PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Because the implementation of diversionary justice programs is necessary
2 to provide young adult offenders charged with first-time, non-violent offenses reasonable,
3 responsible and positive alternatives to the criminal justice system, to reduce costs and caseload
4 burdens on courts and the criminal justice system, and to minimize recidivism and promote
5 employment opportunities, there shall be established a special commission to examine existing
6 diversionary justice programs in the commonwealth. The special commission shall consist of 18
7 members: the Attorney General or his/her designee whom shall serve as chair; 4 district attorneys
8 of the commonwealth appointed by the Massachusetts District Attorneys Association; a judge
9 representing the district court and a judge representing the Boston Municipal Court appointed by
10 the Chief Justice for Administration and Management of the Trial Court; the commissioner of
11 probation or his/her designee; 2 municipal chiefs of police appointed by the President of the
12 Massachusetts Chiefs of Police Association; chairs of the Senate and House Judiciary Committee
13 or their designees; 1 member appointed by the President of the State Senate; 1 member appointed
14 by the Speaker of the House of Representatives; and 4 members appointed by the Governor who
15 shall be experts in at-risk youth behavior. All appointments shall be made within 30 days of the
16 effective date of this act. Members of the special commission shall serve without compensation.

17 The special commission shall examine: (1) existing pre-trial diversion programs; (2) options for
18 improving or modeling such programs; (3) appropriate age ranges and offenses for pre-trial
19 diversion; (4) mechanisms for screening and identifying prior to arraignment the eligibility of
20 offenders for pre-trial diversionary programs; (5) terms and conditions to be imposed on
21 offenders eligible for pre-trial diversion; (6) the monitoring of an offender's adherence to terms
22 and conditions imposed; (7) methods for referring eligible offenders to agencies and
23 organizations that can assist with counseling, community resources, referrals to drug and alcohol

24 dependency treatment, and educational services; (8) the criminal offender record information
25 system as it relates to offenders that have successfully completed a diversionary justice program
26 and the sealing of such offender's records; (9) budgetary needs for the development,
27 implementation and administration of diversionary justice programs; and (10) any other issue the
28 special commission determines relevant to implementing and administering diversionary justice
29 programs.

30 The special commission shall notify all district attorneys of the commonwealth and police chiefs
31 of the commonwealth of the commission's existence and goals to provide an opportunity for
32 each to submit comments to the commission. Not later than 9 months after the effective date of
33 this act, the special commission shall submit to the Clerks of the House and Senate its detailed
34 findings, including budgetary needs and legislative and administrative recommendations to
35 support diversionary justice programs in the commonwealth and any recommendations for
36 legislation.